

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 407 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO
1 to 5 No
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UNITED INDIA INSURANCE CO LTD

Versus

BANK OF BARODA

Appearance:

MR PV NANAVATI for Petitioner
MR KI SHAH for Respondent No. 1
NOTICE SERVED for Respondent No. 3
MR SM SHAH with MR AMAR MITHANI for Respondent 21
SERVED BY AFFIX.(N) for Respondent No. 4,22

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 04/07/2000

ORAL JUDGEMENT

Heard the learned counsel for the appellant and

the learned counsel Mr.K.I.Shah for respondent No.1 Bank. This appeal is preferred from the order passed below Ex.130 in Special Civil Suit No.184 of 1987 by the learned Civil Judge (S.D.) at Junagadh. The impugned order is, in fact, passed below a compromise pursis dated 15.3.1993 whereby the original plaintiff and some of the defendants have entered into an agreement. The grievance of the present appellant is that the recording of the compromise pursis and the impugned order are made without hearing the appellant and the rights and interests of the appellant are seriously prejudiced by the same.

2. The learned counsel appearing for the respondent Bank has submitted that, after constitution of the Debt Recovery Tribunals, original suit stands transferred to the Tribunal. It is understood amongst the parties that the objections of the present appellant as also their rights and contentions with respect to the binding effect of the impugned order will be agitated by the appellant before the Debt Recovery Tribunal and such contentions shall be decided after giving a reasonable opportunity of being heard to the parties and on the basis of its merits. In view of this legal position and consensus and the aforesaid observations, the appeal, according to the appellant, does not survive. Hence, the appeal is disposed accordingly with no order as to costs.

Sd/-

(KMG Thilake)

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